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COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

Date: October 6, 2017
File No.: 015-05947-2824-051

FROM: EARL M. SHIELDS, CHIEF
DETECTIVE DIVISION

TO: JIM McDONNELL
SHERIFF

SUBJECT: **LETTER OF OPINION ON DEPUTY INVOLVED SHOOTING**

The attached Letter of Opinion was received from the District Attorney's Office regarding the case involving Deputy Jaime Juarez #[redacted]

STATION: Compton

DATE / TIME OF SHOOTING: May 13, 2015, 1741 Hours

SUSPECT: [redacted]
MB/17 (Injured – In Custody)

LOCATION: 101 North Long Beach Boulevard
Compton

DISTRICT ATTORNEY'S CONCLUSION:

The following is an excerpt from the District Attorney's Letter of Opinion.

"We find that Juarez's use of deadly force was reasonable to stop the deadly threat posed by [redacted] Accordingly, we find that Deputy Juarez acted in lawful self-defense and defense of Deputy Aviles when he used deadly force against [redacted] We are closing our file and will take no further action in this matter."



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

September 27, 2017

Captain Christopher Bergner
Los Angeles County Sheriff's Department
Homicide Bureau
One Cupania Circle
Monterey Park, California 91755

CONTENTS 10/3/17 CAPT. C. BERGNER NOTED

Re: Officer Involved Shooting of [redacted]
J.S.I.D. File #15-0246
L.A.S.D. File #015-05947-2824-051

Dear Captain Bergner:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the May 13, 2015, non-fatal shooting of [redacted] by Deputy Jaime Juarez of the Los Angeles County Sheriff's Department. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours,

JACKIE LACEY
District Attorney

SHANNON PRESBY
Head Deputy District Attorney
Justice System Integrity Division

c: Deputy Jaime Juarez, #[redacted]

Hall of Justice
211 West Temple Street, Suite 1200
Los Angeles, CA 90012
(213) 974-3888
Fax: (213) 626-5125
WEBSITE: http://da.co.la.ca.us

MEMORANDUM

TO: CAPTAIN CHRISTOPHER BERGNER
Los Angeles County Sheriff's Department
Homicide Bureau
One Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of [redacted]
J.S.I.D. File #15-0246
L.A.S.D. File #015-05947-2824-051

DATE: September 27, 2017

The Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office has completed its review of the May 13, 2015, non-fatal shooting of [redacted] by Los Angeles County Sheriff's Department (LASD) Deputy Jaime Juarez. We have determined that Deputy Juarez acted in lawful self-defense and the defense of another when he fired his duty weapon.

The District Attorney's Command Center was notified of this shooting on May 13, 2015, at approximately 6:13 p.m. The District Attorney Response Team responded to the location of the shooting where they received a briefing and walk-through of the scene.

The following analysis is based on reports, recorded interviews, surveillance videos, and photographs submitted to this office by the LASD Homicide Bureau. No compelled statements were considered for purposes of this analysis.

FACTUAL ANALYSIS

On Wednesday, May 13, 2015, at 5:41 p.m., Deputy Jaime Juarez and his partner, Deputy David Aviles, were in their marked LASD patrol car driving eastbound on Compton Boulevard approaching a red light at the intersection of Long Beach Boulevard in the City of Compton. Both deputies were wearing full LASD uniforms. Juarez was driving and Aviles was riding in the right front passenger's seat. Both deputies had worked this area for several years and knew it to be a high-crime area with gang violence.

The deputies were waiting for the traffic signal to change when they heard gunshots.[1] The source of the gunshots was very close in proximity and was coming from Long Beach Boulevard, north of Compton Boulevard. Aviles used his police radio to inform other Compton

[1] Juarez told Sheriff investigators he heard approximately five gunshots coming from north of his location.

deputies that he had heard gunshots. Juarez drove slowly through the intersection of Long Beach and Compton Boulevards as both deputies looked for the source of the gunshots. As they entered the intersection, Juarez stopped his car pointing northbound, in the southbound lanes of travel of Long Beach Boulevard. Juarez observed [redacted] running southbound, on the west sidewalk, in his direction with a large handgun in his right hand. Juarez yelled to Aviles that [redacted] had a gun. Aviles also saw [redacted] running in their direction holding a gun in his hand.

Juarez exited the driver's side door of the patrol car, and almost immediately he saw [redacted] look in his direction and begin to raise his gun. Fearing that [redacted] was going to shoot him or his partner, Juarez fired his service weapon at [redacted] [redacted] dropped the handgun and fell to the ground.[2] Juarez did not remember whether he gave [redacted] any commands prior to shooting because the incident happened quickly. Juarez believed he fired three times; however, an inspection of his 9mm service weapon and casings from the scene indicated that he fired four times.



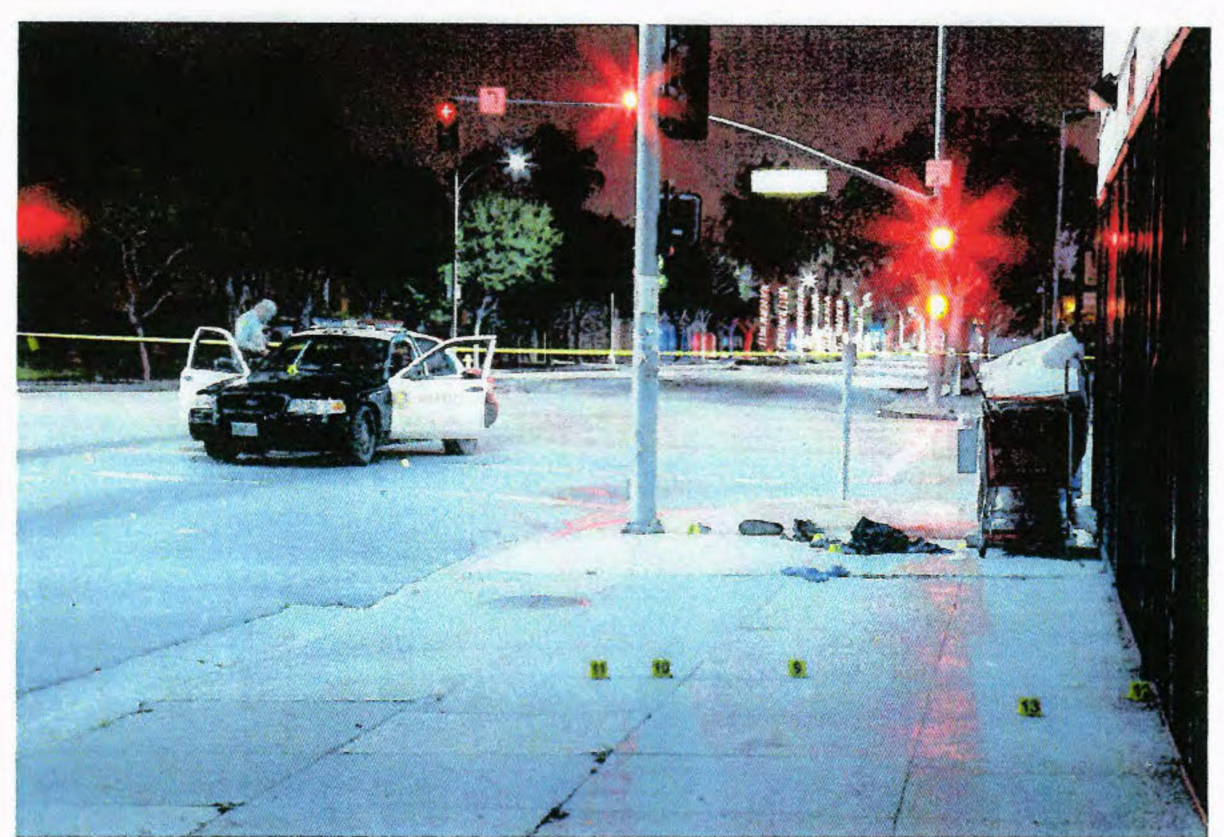
Juarez's patrol car facing northbound on Long Beach Boulevard at the intersection of Compton Boulevard.

[2] Aviles said he was trying to remove his seatbelt and exit the car when he heard gunshots coming from the driver's side of the patrol car. When he got out and pointed his gun at [redacted] he saw [redacted] on the ground with a gun next to his body.



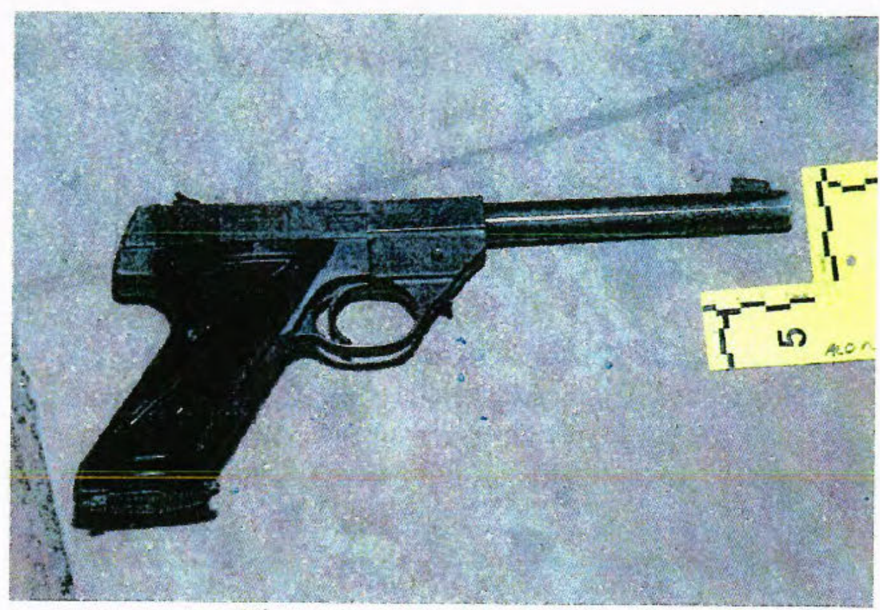


Juarez's patrol car, pointing northbound in the southbound lanes of traffic.



The west sidewalk of Long Beach Boulevard and Juarez's patrol car in the intersection.

As Juarez and Aviles approached [redacted] to handcuff him, Jackson stated, "I dropped it already. I dropped it already." Deputies saw a .22 caliber semiautomatic pistol near [redacted] body, and Aviles kicked it away from [redacted] as Juarez handcuffed him. [redacted] gun was loaded with a bullet in the chamber and six live rounds in the magazine.



Firearm recovered at the scene.

Immediately after the deputy involved shooting, several people approached the deputies and were yelling at [redacted] "Fuck you crab![3] That's what you get! Get the fuck out of our neighborhood!" Aviles recognized some of those people as Piru gang members. The deputies observed that [redacted] had been shot in the leg, requested paramedics and applied a tourniquet to his leg to stop the bleeding. [redacted] was transported to the hospital, treated for a non-life-threatening gunshot wound to his left thigh and cleared for booking.

Statement of [redacted]

[redacted] was interviewed by investigators from LASD Homicide Bureau on the evening of the shooting. He said he was standing in front of the church located at 123 North Long Beach Boulevard on the west side of Long Beach Boulevard when he heard two men cursing and arguing with each other near the park, just north of his location.[4] He directed his attention to what he heard and he saw a pedestrian, later determined to be [redacted] walking southbound on Long Beach Boulevard on the same side of the street as the church. He also saw a car travelling southbound on Long Beach Boulevard with a man seated in the backseat. The car slowed and the man in the backseat leaned out and pointed a gun in the direction of [redacted] Believing a shooting was about to take place, [redacted] entered the church and heard three gunshots. Seconds later, he heard several more gunshots coming from the corner of Long Beach Boulevard and Compton Boulevard. When he went back outside the church he saw a deputy standing over [redacted] [redacted] did not see [redacted] with a gun in his hand when [redacted] walked past the church.

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[3] The word "crab" is a derogatory name used to describe a rival Crip gang member. This neighborhood is controlled by Pirus, a criminal street gang, whose rivals include Crips.

[redacted]

Statement of [redacted]

[redacted] was interviewed by investigators from LASD Homicide Bureau on May 13, 2015, at the gasoline and tire service station located at 106 North Long Beach Boulevard. The station is directly across the street from where the deputy involved shooting occurred. [redacted] said he was standing near the station's gas pumps when his attention was drawn to a group of 15 to 20 people who had congregated near a park across the street on the west sidewalk of Long Beach Boulevard.

[redacted] said that he heard people from the group screaming and they began to scatter and run. At the same time, he saw [redacted] standing on the west sidewalk in front of a building just south of the park. [redacted] was holding a gun with two hands extended out in front of him. [redacted] fired two shots toward the group of people. [redacted] then ran southbound, turned and fired two more shots in the direction of the same fleeing group. [redacted] again ran southbound at "full speed" toward the corner with a gun in his right hand. He then saw [redacted] try to stop abruptly and fall to the ground with the handgun in his right hand. Simultaneously, he saw two uniformed deputies standing outside a patrol vehicle, shooting at [redacted] [redacted] believed both deputies fired a total of three to four shots at [redacted]



Gas station where [redacted] was standing.[5]

[5] This photograph was not taken on the date of the deputy involved shooting.

Other Evidence

A forensic examination was conducted of [redacted] .22 caliber pistol, its magazine, and the seven cartridges contained therein. The pistol was test fired and determined to be functional.

Approximately 100 feet north of where [redacted] was shot by Juarez and south of the church, four expended .22 caliber casings were recovered in the street and west gutter of Long Beach Boulevard. The locations of the casings are consistent with [redacted] observations that [redacted] was moving south on Long Beach Boulevard heading toward Compton Boulevard. Forensic examination of those four expended cartridge casings confirmed that they were fired from [redacted] .22 caliber pistol.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of another if the person claiming the right of self-defense actually and reasonably believed that he was in imminent danger of great bodily injury or death. People v. Randle (2005) 35 Cal.4th 987, 994; People v. Mercer (1962) 210 Cal.App.2d 153, 161.

In protecting himself or another, a person may use that amount of force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent imminent injury. CALCRIM No. 505.

In California, the evaluation of the reasonableness of a police officer's use of deadly force employs a reasonable person acting as a police officer standard. People v. Mehserle (2012) 206 Cal.App.4th 1125, 1146 (holding that California law "follows the objective 'reasonable person' standard—the trier of fact is required to evaluate the conduct of a reasonable person in the defendant's position [citations omitted] . . . the jury should consider all relevant circumstances surrounding the defendant's conduct. This enables the jury to evaluate the conduct of a reasonable person functioning as a police officer in a stressful situation—but this is not the same as following a special 'reasonable police officer' standard.")

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight...The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." Graham v. Connor (1989) 490 U.S. 386, 396-397.

Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. People v. Collins (1961) 189 Cal.App.2d 575.

CONCLUSION

Juarez and Aviles were on patrol in a high-crime area known for gang violence when they heard gunshots fired very close to their location. Juarez saw [redacted] running southbound directly at their patrol vehicle with a gun in his hand. Juarez notified Aviles and exited his marked patrol car wearing his full LASD uniform. Aviles also saw [redacted] with a handgun. Juarez saw [redacted] raise a large firearm in his direction. Believing that [redacted] was the individual that fired gunshots several seconds earlier, and in fear for his life and that of his partner, Juarez fired four rounds from his service weapon at [redacted] striking him once in the leg.

Juarez's belief was reasonable under the circumstances. [redacted] was running at full speed in the direction of the deputies. [redacted] close proximity to the deputies shortened the time that Juarez had to respond. [redacted] posed an immediate and significant danger of death or great bodily injury to Juarez and his partner, and Juarez was forced to make a split-second decision.

We find that Juarez's use of deadly force was reasonable to stop the deadly threat posed by [redacted] Accordingly, we find that Deputy Juarez acted in lawful self-defense and defense of Deputy Aviles when he used deadly force against [redacted] We are closing our file and will take no further action in this matter.